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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Safety of journalists

Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, prepared in accordance with Human Rights Council resolution 33/2, the United Nations High Commissioner for Human Rights provides an overview of available mechanisms concerned with ensuring the safety of journalists, including existing international and regional prevention, protection, monitoring and complaint mechanisms, and considers their effectiveness.

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I. Introduction

1. In resolution 33/2, the Human Rights Council requested the United Nations High Commissioner for Human Rights, in consultation with States, the available mechanisms concerned with ensuring the safety of journalists and all other relevant stakeholders, to prepare a report, to be submitted at its thirty-ninth session, on an overview of available mechanisms concerned with ensuring the safety of journalists, including existing international and regional prevention, protection, monitoring and complaint mechanisms, with a view to providing an analysis of their effectiveness. The present report was prepared in accordance with that request.

2. In resolution 33/2, the Council expressed "deep concern" at the increased number of journalists and media workers[1] who had been killed, tortured, arrested or detained in recent years as a direct result of their profession. It also condemned unequivocally all attacks and violence against journalists and media workers, such as torture, killings, enforced disappearances, arbitrary arrest and arbitrary detention, intimidation, threats and harassment, including through attacks on or the forced closure of their offices and media outlets, in both conflict and non-conflict situations.

3. In preparing this report, the Office of the High Commissioner (OHCHR) sought contributions from Member States, international and regional organizations, national human rights institutions and non-governmental organizations.[2] The report also draws on public sources, including those of United Nations entities and human rights mechanisms, academia, practitioners and civil society organizations.

4. In accordance with resolution 33/2, the High Commissioner focuses on the many different types of existing international and regional mechanisms. It builds on the previous OHCHR report on the topic, which provided an overview of the initiatives in national contexts and identified good practices (A/HRC/24/23). A number of the mechanisms discussed below have multiple functions and operate across the prevention, protection, monitoring and complaints spectrum. For example, accountability mechanisms also play critical functions in prevention and protection. Similarly, the monitoring of violations

[1] Journalism is "a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere" (Human Rights Committee general comment No. 34 (2011) on the freedoms of opinion and expression, para. 44). See A/HRC/20/17, paras. 3–5; A/HRC/20/22, para. 26; A/HRC/24/23, para. 9; A/HRC/27/35, para. 9; A/69/268, para. 4; and A/HRC/16/44, para. 47. See also resolution 39 adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its thirty-ninth session (November 2017).

[2] Contributions were received from Bosnia and Herzegovina, Cuba, El Salvador, Germany, Greece, Guatemala, Ireland, Malta, Mauritius, Netherlands, Philippines (Presidential Task Force on Media Security), Qatar, Sweden, Togo and United States of America; and from the following: Americans for Democracy and Human Rights in Bahrain, Association nationale de promotion et de protection des droits de l'homme (Cameroon), Centro de Investigación y Capacitación Propuesta Cívica (Mexico), Comisionado Nacional de los Derechos Humanos (Honduras), Commission on Human Rights of the Philippines, Cultural Survival, Defensoría del Pueblo (Colombia), Equipe Media (Western Sahara), European Bank for Reconstruction and Development, Greek National Commission for Human Rights, Human Rights Defender's Office (Armenia), Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, International Federation of Journalists, International Service for Human Rights, International Media Support, Mexican Commission for the Defence and Promotion of Human Rights, Norwegian Support Committee for Western Sahara, Organization for Security and Cooperation in Europe (OSCE), Procurador de los Derechos Humanos de Guatemala, Reporters Without Borders, ReverdeSer Colectivo (Mexico) and United Towns Agency for North-South Cooperation. The following members of the International Freedom of Expression Exchange network also contributed: Africa Freedom of Information Centre, Albanian Media Institute, Asociación por los Derechos Civiles (Argentina), Centre for Independent Journalism (Romania), Cerigua (Guatemala), Free Media Movement (Sri Lanka), Inter-American Press Association, Observatorio Latinoamericano para la Libertad de Expresión (Peru) and Pakistan Press Foundation.

against journalists is a key component in the prevention of future violations, and thus the protection of journalists from potential future attacks. While each mechanism has been included in the section of the report associated with its predominant function, this does not negate the often multiple contributions that each mechanism makes.

II. Prevention mechanisms

5. In resolution 33/2, the Human Rights Council observed that impunity for attacks and violence against journalists constituted one of the greatest challenges to the safety of journalists, and that ensuring accountability for crimes committed against journalists was a key element in preventing future attacks. It also strongly condemned the prevailing impunity and expressed grave concern that the vast majority of those crimes go unpunished, thereby contributing to their recurrence. The Council urged States to do their utmost to prevent violence, threats and attacks against journalists and ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction.

6. The United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity has, since 2012, provided a framework that, under the overall coordination of the United Nations Educational, Scientific and Cultural Organization (UNESCO), has guided United Nations activities on the safety of journalists.[3] On 29 June 2017, UNESCO and OHCHR held a global multi-stakeholder consultation on strengthening the implementation of the Plan of Action. Stakeholders identified achievements, gaps, challenges and recommendations for action. The August 2017 consultation outcome document set out options for different actors (the United Nations, OHCHR, UNESCO, States, regional and intergovernmental organizations, civil society, the media, Internet companies and academia) to enhance the safety of journalists.[4] One initiative resulting from the consultation is the re-establishment of the United Nations network of focal points[5] on the safety of journalists.

7. Statements and reports contribute to prevention by raising awareness, deterrence and accountability. They document violations of the rights of journalists, may identify alleged perpetrators, make recommendations and raise awareness about what is, and what is not, lawful. Structural and behavioural changes can occur if their recommendations are implemented.

8. The Secretary-General regularly makes public statements and raises individual cases privately with States. For example, on 20 April 2018, regarding the security incidents on the border between Ecuador and Colombia, he condemned the kidnapping and killing of three media workers, confirmed on 13 April, and the subsequent kidnapping of two other Ecuadorian nationals.[6] Such statements provide an unequivocal message about the international importance of the safety of journalists.

9. Special procedures of the Human Rights Council, such as the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, perform a key preventive function by contacting States concerning information received regarding alleged violations of the rights of journalists, undertaking country visits to analyse the human rights situation at the national level, making public statements, and submitting reports to the Council and the General Assembly.

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[3] See https://en.unesco.org/sites/default/files/un-plan-on-safety-journalists_en.pdf, para. 6.3.

[4] See www.ohchr.org/Documents/Issues/Journalists/OutcomeDocument.pdf.

[5] See General Assembly resolution 68/163, para. 7.

[6] See www.un.org/sg/en/content/sg/statement/2018-04-20/statement-attributable-spokesman-secretary-general-security.

10. The Inter-American Commission on Human Rights' Special Rapporteur for freedom of expression conducts activities to protect and promote the right to freedom of thought and expression and promotes the adoption of legislative, judicial and administrative measures to enable the exercise of the right to freedom of thought and expression.[7] Examples include issuing statements relating to attacks against journalists.[8] In her report "Violence against journalists and media workers: inter-American standards and national practices on prevention, protection and prosecution of perpetrators", the Special Rapporteur underlined measures States must take to comply with their obligation to protect the lives, physical integrity and freedom of expression of journalists, outlined States' obligations to prevent violence, protect at-risk journalists and seriously investigate the crimes committed, and made recommendations to improve the circumstances for exercising the right to freedom of expression.[9]

11. The Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE) intervenes on media freedom and the safety of journalists. Statements and legal commentaries call on OSCE States to investigate attacks and address impunity.[10]

12. The African Commission on Human and Peoples' Rights, the Chair of which referred, in November 2017, to the, inter alia, continued harassment, arrest and arbitrary detention of human rights defenders and journalists as of extreme concern to the Commission,[11] has created special mechanisms that can raise issues concerning the safety of journalists. These include the Special Rapporteur on freedom of expression and access to information,[12] who, in April 2018,[13] expressed concern regarding the alleged abduction and assault of a journalist in Mozambique and other cases.[14] The Chair of the African Union Commission has also made relevant statements.[15]

13. Awareness-raising, such as on World Press Freedom Day (3 May) and International Day to End Impunity for Crimes against Journalists (2 November), draws attention to issues facing journalists.

14. In 2018, World Press Freedom Day saw the issuance of statements, including from the Secretary-General,[16] the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,[17] the Special Rapporteur on the situation of human rights in Eritrea[18] and the Council of Europe's Commissioner for Human Rights.[19] In the 2018 joint declaration on media independence and diversity in the digital age, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and counterparts from the OSCE, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights emphasized the essential role of independent media in democratic societies and expressed concern about

[7] See www.oas.org/en/iachr/expression/mandate.

[8] See press releases R95/18 (www.oas.org/en/iachr/expression/showarticle.asp?artID=1102&lID=1) and R76/18 (www.oas.org/en/iachr/expression/showarticle.asp?artID=1095&lID=1).

[9] See www.oas.org/en/iachr/expression/docs/reports/2014_04_22_violence_web.pdf, pp. 176–180. See also the annual report of the Special Rapporteur (www.oas.org/en/iachr/expression/docs/reports/annual/annualreport2016rele.pdf, pp. 528–532).

[10] See www.osce.org/fom/119497.

[11] See www.achpr.org/files/sessions/61st/statements/chair_opening-statement/opening_statement__hon_comm_pansy_tlakula.pdf.

[12] See www.achpr.org/mechanisms/freedom-of-expression.

[13] See www.achpr.org/press/2018/04/d396.

[14] See www.achpr.org/press/2014/06/d209 and www.achpr.org/press/2015/05/d257.

[15] See https://au.int/sites/default/files/newsevents/pressreleases/25783-pr-pr_036_-_release_of_al_jazeera_journalists_-_auc_chairperson_message_-_16_feb_2015.pdf.

[16] See http://webtv.un.org/watch/antónio-guterres-un-secretary-general-on-world-press-freedom-day/5775247352001/?term=&lan=french.

[17] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23026&LangID=E.

[18] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23022&LangID=E.

[19] See www.coe.int/fr/web/commissioner/view/-/asset_publisher/ugj3i6qSEkhZ/content/europe-s-duty-to-protect-journalists?_101_INSTANCE_ugj3i6qSEkhZ_languageId=en_GB.

physical attacks, surveillance and marginalization of independent outlets.[20] In previous years, events resulted in the adoption of the Jakarta Declaration,[21] the Finlandia Declaration[22] and the Riga Declaration.[23] In 2018, UNESCO celebrated the twenty-fifth anniversary of World Press Freedom Day with events on "Keeping power in check: media, justice and the rule of law" in Ghana[24] and Geneva.[25]

15. In 2017, the International Day to End Impunity for Crimes against Journalists was marked by statements and events, including a joint statement by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, that highlighted the killing of over 30 journalists in attacks during 2017 and challenged the public demonization of reporting and specific media outlets and reporters by political leaders at the highest levels,[26] and a regional seminar in Sri Lanka[27] entitled "Reinforcing regional cooperation to promote freedom of expression and the rule of law in Asia through ending impunity for crimes against journalists".[28]

16. International and regional conferences enable awareness-raising, and discussion of and decision-making regarding preventive measures. In 2011, the OSCE Representative on Freedom of the Media and the Lithuanian chairmanship of OSCE organized the Conference on Safety of Journalists resulting in the Vilnius recommendations on safety of journalists.[29] In recent years, UNESCO has organized various conferences concerning the safety of journalists and the establishment of preventive mechanisms, for example, during the Conference on News Organizations Standing up for the Safety of Media Professionals in February 2016,[30] member States, media industry leaders, unions and social media discussed preventive actions that news organizations could take, including adopting newsroom safety protocols, safety training and risk analysis. The Conference on Safety of Journalists and Ending Impunity for Crimes Committed against Journalists in Africa (organized by UNESCO and the Federation of African Journalists in November 2017)[31] adopted the Nairobi declaration on national mechanisms for safety of journalists.[32] The Nairobi declaration emphasized the importance of establishing national safety mechanisms in East African countries and provided for the establishment of a regional committee for safety of journalists. The Conference also adopted the Addis Ababa resolution on the creation of an African Union working group on the safety of journalists and the issue of impunity in Africa,[33] in which the African Union was requested to create a working group on safety of journalists, to be convened by the African Commission on Human and Peoples' Rights, to promote the establishment of national safety mechanisms. The working group is now being established. On 22 March 2018, UNESCO, building on the Secretary-General's latest report on the safety of journalists and the issue of impunity (A/72/290), organized an event on

[20] See www.ohchr.org/Documents/Issues/Opinion/JointDeclaration2May2018_EN.pdf.
[21] See https://en.unesco.org/sites/default/files/jakarta_declaration_4may2017_en.pdf.
[22] See https://en.unesco.org/sites/default/files/finlandia_declaration_3_may_2016.pdf.
[23] See www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/WPFD/riga_declaration_en.pdf.
[24] See https://en.unesco.org/commemorations/worldpressfreedomday.
[25] See www.unesco.org/new/en/geneva/about-this-office/single-view/news/unesco_celebrates_the_2018_world_press_freedom_day_at_un_gen.
[26] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22338&LangID=E.
[27] See https://en.unesco.org/endimpunity-2017/seminar-colombo.
[28] See https://en.unesco.org/news/regional-seminar-sri-lanka-promote-regional-cooperation-foster-freedom-expression-and-ending.
[29] See www.osce.org/cio/78522?download=true, 8 June 2011.
[30] See https://en.unesco.org/events/news-organizations-standing-safety-media-professionals.
[31] See www.unesco.org/new/en/addisababa/about-this-office/single-view/news/promoting_the_safety_of_journalists_and_the_campaign_against-3.
[32] See www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Nairobi/nairobideclarationsafetyjournalists.pdf.
[33] See www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Addis-Ababa/pdf/AddisAbabaResolution2017.pdf.

"safe journalists, strong democracies: how on and offline attacks on women journalists are hurting us all",[34] which discussed preventative measures.

17. The corporate responsibility to respect human rights in the Guiding Principles on Business and Human Rights[35] calls on all business enterprises to adopt a preventive approach. This requires that business enterprises (a) avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; and (b) seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.[36] The Guiding Principles apply to all business enterprises, including media companies. Examples of enterprises helping to prevent harm being caused to journalists include the "Statement on human rights defenders and media representatives" of the Fédération Internationale de Football Association (FIFA), which requires bidders and hosts of FIFA tournaments to uphold their commitment to respect and help to protect the rights of human rights defenders and media representatives. FIFA committed to set up a mechanism allowing human rights defenders and media representatives to complain when their rights had been unduly restricted while conducting legitimate work relating to the activities of FIFA.[37] There are examples of business enterprises engaging in multi-stakeholder collaboration to support journalists, such as American Express providing a free hotline, and April International providing worldwide preferential-rate insurance to freelance reporters and photographers, both in collaboration with Reporters Without Borders.[38] Furthermore, business enterprises outside the media sector may need to consider the situation for journalists as part of their human rights due diligence before making decisions about establishing or continuing programmes. This is an indicator of human rights risks that may exist for companies operating in a particular context. In its contribution, the European Bank for Reconstruction and Development reported that, as part of its political assessments, it examined freedom for journalists in its countries of operations and that formed part of its country assessments.

III. Protection mechanisms

18. The applicable international legal framework for the protection of journalists has been described in previous reports on the safety of journalists.[39] A legal framework provides an agreed normative basis upon which all stakeholders at the international and regional levels, and the national/local levels, can determine the legality of acts and, if necessary, activate accountability processes, signal disapproval and concern, call on States and other actors to protect journalists from attack and implement policies, practices and structures to prevent and address future attacks. Indeed, in its 2005 Plan of Action on Protection and Empowerment, OHCHR notes that human rights protection is based on international law and necessarily focuses on both immediate responses when people are threatened, and on longer term work to build and strengthen laws and institutions that protect rights — within States and at the global level.[40]

19. In resolutions, the Human Rights Council highlighted and condemned threats and attacks against journalists and called for States to take action in accordance with their human rights obligations (see A/72/290, para. 45). It expressed deep concern at the detention of journalists in Eritrea and reiterated its call for the Government to provide all relevant information to OHCHR on the identity, safety, well-being and whereabouts of all detained and missing journalists.[41] Regarding the Syrian Arab Republic, it demanded the

[34] See www.un.org/webcast/pdfs/180322am-unesco-journalists.pdf.
[35] A/HRC/17/31, annex, guiding principles 11–24.
[36] Guiding principle 13.
[37] See http://resources.fifa.com/image/upload/ejf1ecdku14lm2v9zc03.pdf.
[38] See https://rsf.org/en/our-supporters.
[39] See A/HRC/24/23, paras. 11–13; A/69/268, paras. 10–12; A/70/290, para. 17; and A/72/290, paras. 13–16.
[40] See http://www2.ohchr.org/english/planaction.pdf, para. 34.
[41] See resolution 35/35, paras. 6 and 8 (o).

immediate release of all persons arbitrarily detained, including journalists.[42] It expressed continued concern at the arrest of journalists in Belarus in March 2017 and infringements on freedom of expression.[43] It expressed concern about the harassment of, and attacks against, journalists and human rights defenders in Yemen.[44] It encouraged the Democratic Republic of the Congo to provide greater protection during elections for, inter alia, journalists.[45]

20. Applying international human rights law, the Council addressed the conditions necessary to protect journalists. In resolution 35/25, it recognized the importance of creating a safe and enabling environment and protecting journalists, whistle-blowers, witnesses and anti-corruption activists from threats arising from their activities in preventing and fighting against corruption. In resolution 33/2 (para. 13), it emphasized that encryption and anonymity tools had become vital for many journalists to work freely and enjoy their human rights and called on States not to interfere with the use of such technologies. In resolution 34/7 (para. 9), it encouraged business enterprises to work towards enabling technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity. It called upon States not to interfere with the use of such solutions, with any restrictions complying with States' obligations under international human rights law (see paragraph 9 of the resolution). It recognized that technical solutions, including encryption and anonymity, to secure and protect the confidentiality of digital communications could be important to ensure the enjoyment of the rights to privacy, freedom of expression and freedom of peaceful assembly and association.

21. The General Assembly of the Organization of American States adopted, in June 2017, resolution 2908 (XLVII-O/17), in which it reaffirmed that journalism must be practised free from threats, physical or psychological aggression, or other acts of intimidation, urged member States to implement strategies to end impunity for crimes against journalists and share good practices and recommended that the Inter-American Commission on Human Rights and its Special Rapporteur for freedom of expression continue with their activities concerning the safety of journalists.

22. Various European institutions have addressed the safety of journalists in recommendations and resolutions. In 2016, the Committee of Ministers of the Council of Europe adopted recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors.[46] The Committee recommended that States implemented the Guidelines set out in the appendix to the recommendation, and review and revise relevant national laws and practice to ensure their conformity with States' obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). The Guidelines consist of four pillars (prevention, protection, prosecution and promotion of information, education and awareness-raising) and provide guidance on how States should fulfil their obligations.[47] In 2017, the Parliamentary Assembly of the Council of Europe adopted resolution 2141 (2017),[48] in which it called on States to fully investigate the violent deaths of a number of journalists, and called on Azerbaijan, Hungary, Russian Federation and Turkey to address specific concerns regarding the situation of journalists.[49] The European Parliament passed a non-legislative resolution in April 2018 calling on States to ensure the personal safety and livelihoods of, inter alia, investigative journalists.[50]

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[42] See resolution 35/26, para. 20, and resolution 36/20, para. 20.

[43] See resolution 35/27, para. 2.

[44] See resolution 36/31, preambular paragraph.

[45] See resolution 36/30, para. 20.

[46] See https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9.

[47] Ibid., para. 7 and appendix.

[48] See http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23400&lang=en.

[49] Ibid., paras. 7–8, 11 and 13.

[50] See www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2018-0183, para. 8.

23. In 2014, the African Commission on Human and Peoples' Rights adopted resolution 264 on attacks against journalists and media practitioners in the Federal Republic of Somalia,[51] in which it called for investigations into the killing of journalists and appealed for an immediate cessation of harassment and intimidation of media organizations. In its forty-second activity report (January–May 2017), the Commission noted with concern allegations of arrests and harassment of journalists and human rights defenders in Cameroon, Burundi, Eritrea, Sudan and South Sudan.[52]

24. OHCHR, like other international actors, carries out capacity-building as part of its mandate. This involves providing education and information about the safety of journalists, and developing policies and practices within organizations and States to protect journalists. In Guatemala, in 2015, OHCHR (with UNESCO) provided technical assistance to the technical committee on the creation of a mechanism to protect journalists, which led to the creation of a special unit in the Attorney General's Office to investigate attacks against human rights defenders and journalists (see A/HRC/31/3/Add.1, paras. 42 and 46). In Mexico,[53] OHCHR is a member of the governing board of the federal mechanism for the protection of human rights defenders and journalists. It has provided technical assistance concerning the drafting of a protocol to investigate, at the federal level, attacks against journalists; capacity-building for the Supreme Court of the State of Hidalgo; and technical assistance to the Government of the State of Coahuila concerning the creation of a working group on the protection of journalists and human rights defenders. In 2016, OHCHR supported the implementation by the State of Chihuahua of an early warning system for human rights defenders and journalists at-risk.[54] In Colombia, during 2016, OHCHR provided technical assistance to the Attorney General's Office concerning the prioritization of investigations into attacks against human rights defenders, including journalists.[55] OHCHR assisted the National Protection Unit of Colombia in adopting protection measures to address threats facing journalists.[56]

25. In order to further capacity-building and cooperation, OHCHR and the Inter-American Commission on Human Rights signed, on 25 October 2017 during the latter's 165th regular session in Montevideo, a Joint Action Mechanism to Contribute to the Protection of Human Rights Defenders in the Americas.[57] The Mechanism includes journalists within the definition of human rights defenders and emphasizes joint actions to protect human rights defenders in the region.[58]

26. Training contributes to raising awareness and developing a body of professionals who can address the issue of the safety of journalists. In Tunisia, during 2017, OHCHR and UNESCO trained six Tunisian journalists (selected from among 65 journalists trained in 2016) as trainers on press freedom and safety, who will deliver five training sessions for journalists in 2018. UNESCO and OHCHR provided support to the National Union of Tunisian Journalists regarding the establishment of a unit to monitor, report on and follow up on attacks against journalists. Since 2014, UNESCO has organized online training courses on the safety of journalists and freedom of expression for more than 5,000 judges in Latin America, and is replicating the training for judges from East and Southern Africa.[59] With the Inter-American Commission on Human Rights' Special Rapporteur for freedom of expression, OHCHR has carried out workshops for prosecutors to strengthen their knowledge of international and regional standards on the safety of journalists. The Special

[51] See www.achpr.org/sessions/15th-eo/resolutions/264. See also resolution 221 (www.achpr.org/sessions/51st/resolutions/221).

[52] See www.achpr.org/files/activity-reports/42/42nd_activity_report_eng.pdf, para. 43 (viii).

[53] See http://www2.ohchr.org/english/OHCHRreport2017/allegati/11_Americas_2017.pdf, p. 232.

[54] See http://www2.ohchr.org/english/OHCHRreport2016/allegati/Downloads/6_OHCHR_in_the_%20field_2016.pdf, p. 205.

[55] Ibid., p. 199.

[56] See http://www2.ohchr.org/english/OHCHRreport2017/allegati/11_Americas_2017.pdf, p. 221.

[57] See https://news.un.org/en/story/2017/10/569332-un-americas-action-plan-seeks-strengthen-protection-human-rights-defenders.

[58] See www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=22282&LangID=E.

[59] See https://en.unesco.org/sites/default/files/wpfd2018_concept_note_en.pdf, p. 4.

Rapporteur has trained judges and journalists on the protection of free expression by the inter-American human rights system.[60] Civil society organizations deliver training on prevention. The Securing Access to Freedom of Expression Initiative has provided digital and physical security training sessions, and psychosocial care, to over 1,500 media practitioners and social communicators in Central America, Eastern Europe, East Africa, Asia and the Middle East.[61] The Community of Democracies' Working Group on Promoting the Freedom of Opinion and Expression created, with the Committee to Protect Journalists, a toolkit on the safety of journalists for the personnel of diplomatic missions[62] to assist diplomats in dealing with journalists facing safety issues.

27. Public campaigns enhance the protection of journalists through raising awareness about the critical role that they play in democratic societies, the impact of attacks on journalists on their ability to carry out this role and ways to ensure their safety. Civil society actors, such as Reporters Without Borders, the Committee to Protect Journalists and Article 19, often launch global and regional public petitions/campaigns to pressure political leaders to protect journalists, for example, Free Press Unlimited's[63] online petition[64] calling for lawmakers to provide an enabling environment for journalists and for accountability for crimes against journalists.[65]

28. Practical protection mechanisms offer tools and resources to protect journalists. These are specific steps that can be taken to improve the situation and offer immediate or mid-term support to protect journalists at risk. The Shelter City Initiative, organized by Justice and Peace Netherlands, offers temporary respite to human rights defenders, including journalists, allowing them opportunities to recover in a safe space and widen their contact networks, before returning to their work.[66] The initiative comprises 11 Dutch cities and cities in Georgia, Tanzania and Costa Rica.

29. The International Committee of the Red Cross (ICRC) offers protection for journalists in situations of armed conflict. Its hotline enables journalists, their families or employers to report cases of journalists who have been arrested, captured, detained, reported missing, wounded or killed.[67] The four-year action plan of ICRC for the implementation of international humanitarian law contains an objective 3 on enhanced protection of journalists and the role of the media with regard to international humanitarian law. The 32nd International Conference of the Red Cross and Red Crescent received a progress report[68] on the steps taken by States, national societies and ICRC to ensure the protection of journalists, and media equipment and installations. These included integrating the protection of journalists into the international humanitarian law training provided to different militaries, and providing training for journalists in conflict zones.

30. Other hotlines are open to all journalists, and some focus on the safety of women journalists. The European Centre for Press and Media Freedom has a facility for women media workers to inform the centre's staff about attacks against them confidentially, through encrypted messaging.[69] Other platforms for reporting violence against women journalists were highlighted in the Secretary-General's 2017 report (see A/72/290, para. 60).

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[60] Contribution of the United States.

[61] See www.irex.org/project/safe-securing-access-free-expression.

[62] See www.community-democracies.org/global-activities/convening/working-groups/working-group-on-promoting-freedom-of-opinion-and-expression. See also the contribution of the United States.

[63] See also the contribution from the Netherlands.

[64] See www.freepressunlimited.org/en/manifesto-protect-journalists.

[65] See www.freepressunlimited.org/en/end-impunity-protect-journalists.

[66] See www.justiceandpeace.nl. See also the contribution of the Netherlands.

[67] See www.icrc.org/en/document/protection-journalists-icrc-hotline-faq.

[68] See http://rcrcconference.org/wp-content/uploads/2015/10/32IC-Progress-report-4-year-action-plan-on-IHL_EN.pdf, pp. 15–17.

[69] See https://ecpmf.eu/get-help/womens-reporting-point.

IV. Monitoring mechanisms

31. Monitoring is a proactive method involving the collection, verification, analysis and use of information to address problems in order to improve protection. In this regard, human rights monitoring is a key tool to respond to human rights concerns and crises, identify violations, patterns, causes and possible solutions, further the accountability of States and individuals, and prevent future violations.[70] OHCHR monitors the situation of journalists globally, reports on human rights violations committed against journalists and makes recommendations addressing violations against journalists in accordance with international human rights law.

32. Concerns about the safety of journalists have been raised in reports by the High Commissioner for Human Rights and the Secretary-General (see A/72/290, para. 46, footnote 46). Recently, the High Commissioner addressed the situation of journalists in Sri Lanka, referring to two unresolved cases concerning, respectively, the disappearance and killing of two journalists (see A/HRC/37/23, paras. 35 and 37). He also referred to the safety of journalists in the report on the situation of human rights in Libya, and the effectiveness of technical assistance and capacity-building measures received by Libya (A/HRC/37/46, paras. 47–48). In his report on the situation of human rights in the Islamic Republic of Iran, the Secretary-General drew attention to the reports received by OHCHR indicating that individuals working for the Persian Service of the British Broadcasting Company and their families in the Islamic Republic of Iran had been harassed, intimidated and threatened by the authorities.[71] In his 2018 report to the Security Council on the protection of civilians in armed conflict, the Secretary-General referred to the toll of conflict on journalists, with killings, injuries and threats reported in, inter alia, Afghanistan, the Democratic Republic of the Congo, Iraq, Libya, Somalia, the Syrian Arab Republic and Yemen. The Secretary-General noted that such incidents had a serious impact on independent reporting, which was essential for exposing human suffering, restraining belligerents and building pressure for political solutions and accountability (see S/2018/462, para. 15). In his 2017 report on the same topic, the Secretary-General urged Member States to inform UNESCO of the status of judicial enquiries into killing of journalists, strengthen protection for journalists reporting in conflict situations and prevent impunity (see S/2017/414, para. 32).

33. Special representatives of the Secretary-General brief the Security Council on country situations, including on the safety of journalists. In March 2017, the Special Representative of the Secretary-General for Somalia expressed concern about attacks on journalists.[72] The Special Representative of the Secretary-General for Iraq detailed attacks against journalists and media workers in the Kurdistan region during October 2017, and the decision of the Iraqi federal authorities to ban some media outlets in the Kurdistan region for failing to obtain the necessary licences.[73]

34. The special procedures of the Human Rights Council undertake country visits to look at human rights situations falling within their mandates. Following his January 2017 visit to Mexico, the Special Rapporteur on the situation of human rights defenders outlined the threats faced by journalists and recommended guaranteeing sufficient resources for the National Protection Mechanism for Human Rights Defenders and Journalists at the federal and state levels.[74] The December 2017 joint mission to Mexico undertaken by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Inter-American Commission on Human Rights' Special Rapporteur for freedom of expression reported on sexual harassment against women journalists, reporters

[70] See www.ohchr.org/Documents/Publications/OHCHRIntro-12pp.pdf, foreword, third paragraph.

[71] See A/HRC/37/24, para. 37. See also A/HRC/37/68, para. 34; and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22314&LangID=E.

[72] See https://unsom.unmissions.org/srsg-michael-keating-briefing-security-council-somalia.

[73] See www.uniraq.org/index.php?option=com_k2&view=item&id=8233:briefing-to-the-security-council-by-srsg-for-iraq-jan-kubis-new-york-22-november-2017-as-prepared&Itemid=712&lang=en.

[74] See A/HRC/37/51/Add.2, paras. 33–37 and 115 (l).

forced to flee their homes, killings and disappearances, and pervasive impunity.[75] Following his March 2018 visit to Liberia, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression documented the situation facing women journalists, noting that physical security on assignment may be inadequate, and bad infrastructure and roads made reporting, especially in rural parts of the country, a serious safety issue.[76]

35. Special procedures have raised the issue of the safety of journalists during Human Rights Council interactive dialogues. For example, during the thirty-seventh session of the Council, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, referred to the risks faced by journalists covering corruption, tax evasion and illicit financial flows. Referring to the killings of journalists Daphne Caruana Galizia[77] and Ján Kuciak[78] as of the utmost serious concern, he called on the Council to remain vigilant regarding similar situations.[79]

36. The human rights treaty bodies monitor implementation of the core international human rights treaties and assess States' compliance with their obligations under those treaties (see A/72/290, para. 51). In its concluding observations (2017–2018), the Human Rights Committee[80] and the Committee against Torture[81] raised concerns and made recommendations about the safety of journalists and restrictions on freedom of expression. For example, the Human Rights Committee expressed concern about the allegations of public officials in Serbia publicly vilifying and intimidating media workers, particularly through the prosecution of journalists and members of civil society for expressing their opinions. The Committee recommended that immediate steps be taken to provide effective protection to media workers from all forms of intimidation. It called on Serbia to ensure that all cases were duly investigated and perpetrators of those acts of intimidation prosecuted and appropriately sanctioned. It also said Serbia should refrain from prosecuting journalists, human rights defenders and other members of civil society as a means of deterring or discouraging them from freely expressing their opinions.[82]

37. International commissions of inquiry and fact-finding missions, supported by OHCHR, have monitored violations of the rights of journalists and made recommendations in that regard. The Independent International Commission of Inquiry on the Syrian Arab Republic has addressed this, recently reporting that journalists have been intimidated and arrested for reporting on alleged violations committed by the Syrian Democratic Forces and the international coalition.[83] The United Nations Independent Investigation on Burundi found that human rights defenders and journalists had been the primary targets of systematic repression by the authorities (see A/HRC/33/37, paras. 78 and 81). The Commission of Inquiry documented the issuing of international arrest warrants against journalists and the revocation of licences of independent media organizations, as well as the suspension of the Burundian Union of Journalists, observing that the democratic space enabling journalists to express themselves freely had been severely restricted (see A/HRC/36/54, paras. 15 and 52). The March 2017 (A/HRC/34/63) and February 2018 (A/HRC/37/71) reports of the Commission on Human Rights in South Sudan detailed attacks against journalists and called for the security and freedom of expression of the media to be ensured. Similarly, the Independent International Fact-finding Mission on

[75] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22489&LangID=E.

[76] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22785&LangID=E.

[77] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22262&LangID=E.

[78] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22753&LangID=E.

[79] See http://webtv.un.org/watch/clustered-id-ie-on-foreign-debt-and-sr-on-adequate-housing-8th-meeting-37th-regular-session-human-rights-council/5742256033001.

[80] CCPR/C/TKM/CO/2, CCPR/C/BGD/CO/1, CCPR/C/BIH/CO/3, CCPR/C/COD/CO/4, CCPR/C/LBN/CO/3 and CCPR/C/HUN/CO/6.

[81] CAT/C/PAK/CO/1, CAT/C/BHR/CO/2-3, CAT/C/LKA/CO/5, CAT/C/TKM/CO/2 and CAT/C/RWA/CO/2.

[82] CCPR/C/SRB/CO/3.

[83] See A/HRC/37/72, para. 44. See also A/HRC/31/68, paras. 114 and 155 (g); A/HRC/31/CRP.1, paras. 75 and 78; and A/HRC/30/48, paras. 51, 155–158, and 178 (j).

Myanmar has documented the arrest, detention and possibly lengthy prison sentences of journalists who were investigating alleged human rights violations.[84]

38. The high-level segment of the Human Rights Council has monitored the safety of journalists with statements, during its thirty-seventh session, on the topic by ministers from Canada,[85] Czechia,[86] Mexico,[87] Slovakia[88] and United Kingdom of Great Britain and Northern Ireland.[89]

39. The safety of journalists continues to be raised in the context of the universal periodic review. Some 84 recommendations concerning the safety of journalists were made to States during the twenty-sixth, twenty-seventh and twenty-eighth sessions of the Working Group held in 2016 and 2017. The Netherlands referred in its contribution to its recommendations on issues concerning journalists, for example to Sudan, to protect journalists from violence and arbitrary arrest, address impunity for crimes against journalists and notify UNESCO of the status of the judicial inquiry into the murder of journalists (see A/HRC/33/8/Add.1, para. 140.50) and, to Uganda, to end intimidation, threats and physical attacks on journalists and promote open reporting and commentary on issues of public concern (see A/HRC/19/16, para. 111.75).

40. The 2030 Agenda for Sustainable Development is another important framework through which progression in the area of the safety of journalists will be monitored, measured and assessed. Target 16.10 aims to ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements. The safety of journalists is a central component of all efforts by States and other stakeholders to reach this. Indicator 16.10.1 requires quantification of the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates. OHCHR is developing the methodology and data-collection methods for the indicator, with UNESCO and the International Labour Organization.[90] Monitoring and reporting conducted under this indicator will complement existing OHCHR human rights monitoring and analysis of the full range of violations of journalists' rights and help to ensure the effectiveness of approaches to the issue.

41. The human rights components of United Nations peacekeeping operations have been drawing attention to the safety and protection of journalists, often in the contexts of shrinking democratic space, elections and violations of the right to freedom of expression. In September 2016, the United Nations Assistance Mission in Somalia and OHCHR produced a report that described the situation confronting journalists, human rights defenders and politicians in Somalia, including killings, arbitrary arrests and detentions, intimidation, harassment, the closure of media outlets, confiscation of equipment and website-blocking.[91] The United Nations Mission in South Sudan/OHCHR reports on human rights in South Sudan highlighted attacks on journalists and freedom of expression,[92] as did the report on the assessment mission of OHCHR to improve human rights, accountability,

[84] See www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22798&LangID=E.

[85] See www.canada.ca/en/global-affairs/news/2018/02/address-by-minister-freeland-to-the-high-level-segment-of-the-37th-session-of-the-human-rights-council.html.

[86] See http://webtv.un.org/search/czech-republic-high-level-segment-4th-meeting-37th-regular-session-human-rights-council/5740975755001/?term=&lan=english&page=10.

[87] See http://webtv.un.org/search/mexico-high-level-segment-4th-meeting-37th-regular-session-human-rights-council/5740975771001/?term=&lan=english&page=9 and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22719&LangID=E.

[88] See http://webtv.un.org/search/slovakia-high-level-segment-4th-meeting-37th-regular-session-human-rights-council/5740975773001/?term=&lan=english&page=9.

[89] See www.gov.uk/government/speeches/lord-ahmad-marks-70th-anniversary-of-un-human-rights-declaration.

[90] See also www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

[91] See www.ohchr.org/Documents/Countries/SO/UNSOM_FreedomExpressionReport_Aug312016.pdf.

[92] See the January 2017 report (www.ohchr.org/Documents/Countries/SS/ReportJuba16Jan2017.pdf) and the February 2018 report (www.ohchr.org/Documents/Countries/SS/UNMISS-OHCHR_Freedom_of_Expression.pdf).

reconciliation and capacity in South Sudan (A/HRC/31/49). In their April 2018 report, OHCHR and the United Nations Support Mission in Libya documented that armed groups across Libya regularly seized and held, outside the legal framework, suspected opponents or critics, including journalists and media workers,[93] and that the Libyan National Army targeted and apprehended media workers, activists and others perceived as critical of, or not sufficiently loyal to, the Libyan National Army.[94]

42. Since 2008, the UNESCO Director General has produced a biennial report on the killing of journalists and the progress of judicial inquiries.[95] The report enables States to take stock of developments and discuss challenges linked to promoting the safety of journalists and combating impunity. The Director General also makes statements concerning the killing of journalists.[96]

43. The Council of Europe's platform to promote the protection of journalism and safety of journalists[97] documents attacks against journalists, including the number of journalists in detention and cases in which impunity persists for the murder of journalists. It compiles, processes and disseminates concerns regarding media freedom and the safety of journalists. The platform also aims to improve protection of journalists by fostering early warning mechanisms, better addressing threats and violence and improving the capacity for responding to them.[98]

44. The Inter-American Commission on Human Rights has produced reports documenting violence against journalists in the Americas, for example in Honduras,[99] Mexico,[100] Guatemala[101] and Venezuela.[102]

45. A number of civil society actors monitor freedom of expression and the protection of journalists. The Committee to Protect Journalists' annual Global Impunity Index[103] ranks countries in which journalists are killed and there is no accountability. Reporters Without Borders produces the annual World Press Freedom Index, which ranks 180 States according to freedom for journalists based on an evaluation of media pluralism and independence, legislative framework and safety of journalists.[104] The Press Emblem Campaign documented the killing of 44 journalists in 18 countries from 1 January to 30 April 2018, compared with 28 journalists during the same period in 2017, an increase of 57 per cent.[105]

V. Complaint mechanisms

46. Complaint mechanisms address allegations about human rights violations and harm suffered. They may adjudicate allegations and determine responsibility and appropriate penalties and/or remedies. Others may be mandated to report facts, ascribe responsibility and make recommendations for addressing the past and preventing future recurrence. By ensuring accountability for violations, complaint mechanisms can deter, and thereby prevent, attacks.

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[93] See www.ohchr.org/Documents/Countries/LY/AbuseBehindBarsArbitraryUnlawful_EN.pdf, sect. 5.1.

[94] Ibid., p. 19.

[95] See https://en.unesco.org/dg-report.

[96] See https://en.unesco.org/news/director-general-condemns-killing-journalist-abdullah-al-qadry-yemen and https://en.unesco.org/news/director-general-condemns-murder-journalist-karla-turcios-salvador.

[97] See www.coe.int/en/web/media-freedom.

[98] See www.coe.int/en/web/media-freedom/the-platform.

[99] See OEA/Ser.L/V/II, doc. 42/15, paras. 214–215.

[100] Ibid., doc. 44/15, paras. 428–430.

[101] Ibid., doc. 208/17, paras. 249–299.

[102] Ibid., doc. 209/17, paras. 282–308 and 323–327.

[103] See https://cpj.org/reports/Impunity-2017_NEW.pdf.

[104] See https://rsf.org/en/world-press-freedom-index.

[105] See http://pressemblem.ch/pec-news.shtml.

47. Individuals can bring complaints against a State party alleging a violation of treaty rights to the relevant body monitoring the treaty,[106] however, this option has been rarely used in relation to cases concerning the safety of journalists.

48. In accordance with their mandate, special procedures receive information about alleged human rights violations and they can intervene with Governments through communications (urgent appeals and allegation letters). These remain confidential until inclusion in the communications report submitted to sessions of the Human Rights Council. However, in situations of grave concern, special procedures may issue a public statement earlier.[107] The communications report submitted to the Council's thirty-seventh session[108] detailed communications sent concerning the safety of journalists.[109] Examples of public statements issued by special procedures relate to the shutting down of an independent media outlet in the Philippines,[110] legal action by the Islamic Republic of Iran against Persian staff working for the British Broadcasting Corporation and their families,[111] the need for no impunity in Slovakia for recent killings of journalists,[112] a decision by the Egyptian prosecutor to seek the death sentence against a photojournalist[113] and the killing of nine journalists covering an attack in Kabul.[114]

49. UNESCO has a complaints procedure[115] whereby certain individuals, groups of individuals and non-governmental organizations, including journalists, can submit a complaint to the UNESCO Committee on Conventions and Recommendations if they are direct victims or have a sufficient connection to a violation of a right contained in the Universal Declaration of Human Rights falling under the competence of UNESCO.[116]

50. In serious and urgent cases, the Inter-American Commission on Human Rights may, on its own initiative or at the request of a party, request member States to adopt precautionary measures in order to prevent irreparable harm to persons, or the subject matter of the proceedings, in connection with a pending petition or case. The Commission has issued multiple precautionary measures regarding the safety of journalists.[117] In May 2018, the Commission adopted resolution 3/2018, which contained measures to expedite the processing of requests for precautionary measures.[118]

51. The European Court of Human Rights adjudicates on individual or State applications alleging violations of the civil and political rights contained in the European Convention on Human Rights. For example, in 2018 in *Ivashchenko v. Russia*,[119] the Court ruled that Russian customs officers had violated the right to respect for the private and

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[106] See www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx.

[107] See A/72/290, para. 48, for communications issued between 1 March 2015 and 30 April 2017.

[108] See A/HRC/37/80, sect. III.

[109] UA AZE 5/2017, OTH 28/2017, IRN 29/2017, JOR 3/2017, MLT 2/2017, MMR 7/2017, PAK 6/2017, MMR 4/2017, SOM 1/2017, MRT 1/2017, EGY 7/2017, SLV 3/2017, VEN 3/2017 and MEX 4/2017.

[110] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22610&LangID=E.

[111] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22314&LangID=E.

[112] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22753&LangID=E.

[113] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22807&LangID=E.

[114] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23021&LangID=E.

[115] Under 104 EX/Decision 3.3. Available a. http://portal.unesco.org/en/ev.php-URL_ID=15249&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[116] See www.claiminghumanrights.org/unesco_procedure.html.

[117] PM 5/15 — José Moisés Sánchez Cerezo, Mexico; PM 458/14 — Members of *Kaieteur News Journal*, Guyana; PM 336/14 — Gener Jhonathan Echeverry Ceballos and family, Colombia; PM 252/14 — Members of the *Contralínea* magazine, México; PM 115/11 — Journalists La Voz de Zacate Grande, Honduras; PM 254-10 — Leiderman Ortiz Berrio, Colombia, PM 196-09, Amplification — Journalists from Radio Progreso, Honduras; and PM 36-10 — Rodrigo Callejas Bedoya and family, Colombia.

[118] See www.oas.org/en/iachr/decisions/pdf/Resolution-3-18-en.pdf.

[119] Application No. 61064/10, judgment of 13 February 2018.

family life of journalist Yuriy Nikolayevich Ivashchenko when they seized and copied files and photos from his laptop without sufficient justification.[120]

52. The African Court on Human and Peoples' Rights heard, in 2016, a case concerning the violations of rights of journalists. In *Konaté v. Burkina Faso*, the Court dealt with an accusation of criminal defamation and ruled that a prison sentence was an inappropriate punishment.[121]

53. In 2015, the African Commission on Human and Peoples' Rights heard *Uwimana-Nkusi and Mukakibibi v. Rwanda*.[122] This case challenged the conviction of two female Rwandan journalists to respective prison sentences of four and three years on charges of criminal defamation and threatening national security. A decision remains pending.

54. The East African Court of Justice confirmed in the 2015 case *Burundian Journalists Union v. Burundi*[123] that it had jurisdiction to hear press freedom cases. It ordered Burundi to amend its Press Law as it violated the State's international obligations to uphold human rights, particularly the right to freedom of expression.

55. The Inter-American Court of Human Rights has heard cases concerning the safety of journalists, including two historical cases.[124]

56. Civil society organizations help to bring cases before complaint mechanisms. The Media Legal Defence Initiative provides legal defence to journalists, bloggers and independent media and delivered, in August 2016, its second East African Litigation Surgery in Kampala, which aimed to enhance the knowledge and skills of lawyers from Kenya, Rwanda, Tanzania and Uganda and represent journalists, bloggers and media outlets in national and international courts.[125]

VI. Effectiveness of prevention, protection, monitoring and complaint mechanisms

57. There have been undeniable advancements over recent years to strengthen the safety of journalists and address prevailing impunity for violations of their rights. There now exist numerous prevention, protection, monitoring and complaint mechanisms at the international and regional levels, often with multiple purposes and functions, which are utilized by States, the United Nations system, international and regional organizations, and media and civil society actors in order to enhance the safety of journalists.

58. Since the safety of journalists became an issue of focus at the intergovernmental level, resolutions and other initiatives of the Security Council, General Assembly and Human Rights Council, as well as the United Nations human rights mechanisms, have reaffirmed and elaborated upon the application of pertinent international human rights and international humanitarian norms and standards. The issue has also been rapidly incorporated into the policies and operations of the United Nations, and other international organizations, including through monitoring and reporting, awareness-raising, capacity-building and training. This will be further advanced through the re-establishment of the United Nations network of focal points on the safety of journalists. Similar developments

[120] See also *Özgür Gündem v. Turkey*, application No. 23144/93, judgment of 16 March 2000, in which the Court found that, in part through the State's failure to take adequate protective and investigative measures in relation to the pattern of attacks on persons connected to the newspaper *Özgür Gündem*, there had been a violation of freedom of expression.

[121] See http://en.african-court.org/images/Cases/Judgment/Konate%20Judgment%20Engl.pdf.

[122] Referred to in A/72/290, para. 53.

[123] See http://eacj.org/wp-content/uploads/2015/05/Reference-No.7-of-2013-Final-15th-May-2c-2015-Very-Final1.pdf.

[124] See https://knightcenter.utexas.edu/blog/00-17064-inter-american-court-human-rights-opens-case-against-brazil-death-journalist-vladimir and www.corteidh.or.cr/docs/asuntos/carvajal_06_07_17.pdf (in Spanish).

[125] See www.mediadefence.org/sites/default/files/EALS%202016%20-%20Evaluation%20report_final.pdf.

have occurred at the regional level. Although outside of the scope of the present report, mechanisms that aim to address the broader, underlying conditions, that impact decisively on the safety of journalists, including freedom of expression and opinion, human rights defenders and civic space, constitute an essential part of this international and regional system.

59. However, the safety of journalists is far from secure. Indeed, the situation continues to deteriorate alarmingly, raising legitimate questions as to the efficacy of international and regional mechanisms, or indeed mechanisms at all levels.

60. Only one contribution received for the present report commented on the effectiveness of the international and/or regional mechanisms. It focused on the need for: local and national mechanisms that are supported by international and regional frameworks that take into account the different country contexts and processes and that inform international and regional mechanisms; adequate resources to meet the ambitious nature of the United Nations Plan of Action; a visible, coherent, coordinated strategy underpinning the Plan of Action; and better coordination and information-sharing among international mechanisms, and international and regional mechanisms.[126] A preliminary assessment of effectiveness was provided in the report prepared by UNESCO in advance of the multi-stakeholder consultation on strengthening implementation of the Plan of Action (August 2017).[127] Drawing on responses received from stakeholders, the report concluded that, to be effective going forward, the Plan of Action had to be about embedding safety as an intrinsic responsibility of all actors, and about creating sustainable institutions and processes to address the challenges.[128] It made a number of suggestions for improvements, including enhanced involvement of United Nations entities in the Plan of Action beyond UNESCO and OHCHR and better coordination, cooperation and collaboration among them (including through the United Nations focal points system), greater sharing of information and good practice, expansion of regional initiatives to new regions, greater monitoring and reporting by existing regional bodies, and sufficient resources.

61. As one of the mechanisms actively engaged on the issue of the safety of journalists, OHCHR is restricted in its ability and competence to analyse the effectiveness of other stakeholders. Such a far-reaching analysis would need to be carried out independently of the mechanisms concerned and objectively and impartially on the basis of an agreed and appropriate methodology[129] that could adequately deal with the various dimensions of the issue (including both the wide range of types of mechanism that are currently being utilized in order to enhance journalistic safety and their often multiple roles and responsibilities, as well as the international, regional and national contexts in which they operate). This has been an area of academic research. Further work in this area is needed and welcomed.

62. Moreover, accurately analysing the effectiveness of international and regional mechanisms requires the systematic collection, collation and analysis of disaggregated data over time, of which there is currently a relatively limited amount. Many entities at the international and regional levels (as well as the national level) are monitoring the safety of journalists, and the Sustainable Development Goals framework will provide an important avenue by which specific data will be collected. However, this monitoring and data collection and analysis concerns attacks on journalists. While indirectly relevant to the effectiveness of international and regional mechanisms, it cannot directly be the basis of an analysis of effectiveness.

63. However, the mechanisms themselves could usefully reflect on what could be done to enhance their effectiveness, including as was done by UNESCO and OHCHR with

[126] See contribution of International Media Support.

[127] See https://en.unesco.org/sites/default/files/report_-_multi-stakeholder_consultation.pdf.

[128] Ibid., p. 41.

[129] See www.cfom.org.uk/2017/04/how-to-build-a-methodology-to-measure-the-risk-to-journalists-safety-in-the-round. See also Sara Torsner, "Measuring journalism safety: methodological challenges", in *The Assault on Journalism: Building Knowledge to Protect Freedom of Expression*, Ulla Carlsson and Reeta Pöyhtäri, eds. (Göteborg, Nordicom, 2017), pp. 129–138. Available at www.nordicom.gu.se/sites/default/files/publikationer-hela-pdf/the_assault_on_journalism.pdf.

regard to the Plan of Action through the process that culminated in the multi-stakeholder consultation and the related report and outcome document. The involvement of civil society and media organizations in the multi-stakeholder consultation was a highly valuable aspect of this process and all mechanisms are encouraged to follow a similar, inclusive approach.

VII. Conclusions and recommendations

64. **There have been recent notable and significant achievements in addressing the issue of the safety of journalists at international, regional and national levels. A wide range of prevention, protection, monitoring and complaint mechanisms have been established, often with multiple functions, and are regularly employed to draw attention to the issue, to educate, prevent and protect, monitor violations and report, and pursue accountability. Through these mechanisms, international and regional actors assist States in fulfilling their own primary obligations under international law to protect the rights of journalists and prevent attacks against them.**

65. **Despite the attention given to the safety of journalists at the international and regional levels, attacks on journalists are increasing, raising legitimate questions about the impact of these mechanisms at all levels. This report has highlighted some essential components that are required for an independent and impartial analysis of effectiveness. These include the investment of adequate time and resources, an agreed methodology (taking account of the wide range and multiple roles of the mechanisms and the contexts in which they operate), and the systematic collection, collation and analysis of relevant disaggregated data over time.**

66. **Mechanisms could themselves usefully carry out analyses of the effectiveness of their work, individually and/or in cooperation with other mechanisms and with the involvement of civil society. The multi-stakeholder consultation is an example of a recent evaluation that aimed to constructively assess the impact of the Plan of Action and set out options for a stronger approach going forward.**

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary of the expert workshop on the role and contribution of civil society organizations, academia, national human rights institutions and other relevant stakeholders in the prevention of human rights abuses

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

In its resolution 33/6, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights to organize an expert workshop to discuss the role and contribution of civil society organizations, academia, national human rights institutions and other relevant stakeholders in the prevention of human rights abuses, drawing on the conclusions and recommendations of the study on the role of prevention in the promotion and protection of human rights (A/HRC/30/20). The present report provides a summary of the expert workshop that was held in Geneva on 21 and 22 February 2018, including its recommendations.

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I. Introduction

1. On 21 and 22 February 2018, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized, pursuant to Human Rights Council resolution 33/6, an expert workshop to discuss the role and contribution of civil society organizations, academia, national human rights institutions and other relevant stakeholders in the prevention of human rights abuses. As requested by the Human Rights Council, the expert workshop drew on the conclusions and recommendations of the OHCHR study on the role of prevention in the promotion and protection of human rights (A/HRC/30/20).

2. Representatives of 31 States, 20 civil society organizations, 10 national human rights institutions, 2 intergovernmental organizations and 2 United Nations entities, and 3 treaty body committee members, 3 academics and 1 Special Rapporteur, attended the expert workshop in Geneva.

II. Opening statement

3. In her opening remarks, the United Nations Deputy High Commissioner for Human Rights emphasized that people must be put at the heart of prevention and human rights must be put at the heart of society. In this, the focus must be inclusive of all, and sensitive to economic, social and cultural rights, not just civil and political rights. With regard to the meaning of the term "prevention", she pointed to the approach of public health professionals who use the idea of different levels of prevention as building blocks of a holistic approach. Primary prevention efforts address root causes — stopping the problem before it occurs and making reoccurrence less likely. Secondary prevention focuses on a rapid response to the earliest signs — seeking to minimize early impacts and taking measures necessary to make recovery sustainable and escalation improbable. Tertiary prevention aims to minimize harm once the problem is in full flight. The fourth level, primordial prevention, focuses preventive efforts more squarely on establishing and maintaining conditions that minimize future threats and maximize conditions that are antithetical to that which is being prevented.

4. She argued that efforts to prevent human rights abuses had focused on tertiary and late-secondary responses, with too little effort globally on primary prevention of the root causes, which included the socioeconomic drivers of injustice and conflict. From a human rights perspective, the prevention discourse should not be a question only of mainstreaming human rights into the peace and security agenda, but also of mainstreaming human rights into the development agenda. The 2030 Agenda for Sustainable Development, implemented with a human rights-based approach, could enable the Sustainable Development Goals to improve the situation for all. Furthermore, she noted that the guidelines and standards developed by the Human Rights Council, and the recommendations of other human rights mechanisms, such as those of the universal periodic review, were important tools but would need greater efforts for their implementation. Finally, she called for a focus on primordial prevention that would establish and maintain conditions which minimized future threats and maximized patterns that were antithetical to human rights erosion over the longer term. In that context, she stressed the importance of convincing and engaging young people, because if we did not win their trust and conviction, then prevention efforts would ultimately fail.

5. She highlighted the crucial and irreplaceable, but often underestimated, contribution that civil society organizations, academia, national human rights institutions and other relevant stakeholders made in the prevention of human rights abuses. She stressed that, while orthodox models of conflict prevention had been rooted in militarization and securitization, civil society was a key actor in finding solutions for non-militarized long-term solutions founded on human rights, good governance and sustainable inclusive

development. There was empirical evidence of a close linkage between a strong civil society and positive trends for human rights.[1]

6. She recalled that, while States bore the primary duty to protect their populations from human rights abuses, the engagement for prevention must extend to national human rights institutions, civil society, academia and private actors. Erosions of freedoms of expression, peaceful assembly and association were warning signs of broader repressive intent, as were attacks on the freedom of movement of human rights defenders, political opponents, lawyers and journalists. A protective, inclusive and enabling environment for civil society, in law and in practice, was vital for prevention, particularly when combined with independent national human rights institutions, active participation by women and young people, and safe and open access to international human rights bodies.

III. Overview of panel presentations and discussions

7. At the outset, the Permanent Representative of Ukraine to the United Nations Office and other international organizations in Geneva welcomed the Deputy High Commissioner's vision for prevention as outlined in her opening statement and the organization of the expert workshop. Preventive measures were gaining importance as an effective tool in averting conflict, and he referred to the various resolutions adopted by the General Assembly and the Human Rights Council since 2010 in relation to prevention.

A. Towards a framework approach to prevention

8. The first session was focused on possible avenues towards a comprehensive framework approach to prevention. It was moderated initially by the Director of the Thematic Engagement, Special Procedures and Right to Development Division and subsequently by the Head of the Secretariat of the Commission of Inquiry on Burundi. The panellists were Ivan Šimonović, Special Adviser of the Secretary-General on the Responsibility to Protect; Matt Pollard, Director of the Centre for the Independence of Judges and Lawyers at the International Commission of Jurists; Jasminka Džumhur, Ombudsperson of Bosnia and Herzegovina; Khawla Chabbeh, of the Syndicat national des journalistes tunisiens; and Phil Lynch, Director of the International Service for Human Rights.

9. Mr. Šimonović noted that the sooner there was a warning, the better the chances were for successful prevention, if that early warning was passed on to relevant stakeholders who then took effective action. He stressed that human rights abuses, especially discrimination against groups on the basis of their identity, were an early warning sign of an increasing risk of atrocity crimes. In terms of instruments for both early warning and early action, he referred to the universal periodic review, the work of special procedures and treaty bodies, and OHCHR field activities. He noted that the primary responsibility for atrocity crimes prevention under the responsibility to protect lay with Member States, however intergovernmental mechanisms, regional organizations, United Nations entities and civil society also had important roles to play. The Human Rights Council should regularly and promptly receive from the High Commissioner updates on country situations where the human rights situation was deteriorating and the risk of atrocity crimes was increasing. When human rights abuses reached the threshold of potential atrocity crimes, thereby threatening international peace and security, the Human Rights Council should recommend to the Security Council to put the country situation on its agenda. When more information was needed, the Human Rights Council should be faster in mandating commissions of inquiry or independent experts.

10. He suggested that the Security Council should establish an atrocity crimes prevention committee in order to create opportunities for relevant United Nations entities, non-members and civil society to reflect together with Security Council members on

[1] See A/HRC/37/65, para. 62.

measures that should be taken to prevent atrocity crimes. Furthermore, the United Nations should have an integrated information management system for early warning of atrocity crimes, bringing together information and assessments of various United Nations entities dealing with human rights, conflict prevention, rule of law and humanitarian issues. Civil society should also be supported to collect and analyse information relevant to atrocity crime risk assessment. He encouraged civil society to include related information in their submissions to the universal periodic review and suggested mobilizing informal structures, such as traditional elders, religious leaders, community leaders, youth, and women's groups. Finally, he noted that while women were often the first civilian victims of atrocity crimes, they did not have a proportional role in atrocity prevention, and he therefore recommended strengthening their influence in conflict prevention, peacemaking, atrocity crimes prevention and transitional justice processes.

11. Mr. Pollard added that judges, lawyers and prosecutors were playing a key role, not only in responding to human rights violations and abuses after they had occurred, but also in prevention efforts. However, that required a legal framework in which judges were independent and impartial, lawyers were independent and free to fulfil their duties, and prosecutors were impartial and committed to human rights and the rule of law. He noted that the special roles of judges, lawyers and prosecutors had long been established in related international standards,[2] and were also recognized in prevention-related reports by OHCHR,[3] special procedures[4] and States.[5]

12. In order to illustrate how judges, lawyers and prosecutors could contribute to prevention, he referred to judicial review of legislation and the possibility for individuals or organizations to challenge the validity or application of legislation. It was essential for claimants to have access to lawyers. In some States legal aid was provided, while in others the legal profession or individual lawyers organized pro bono assistance. Furthermore, torture became less likely if prosecutors refused to use evidence that they reasonably suspected had been obtained through torture. Moreover, anyone deprived of liberty must have access to an independent lawyer as soon as possible, and in any case within 48 hours. The risk of arbitrary detention was reduced if the deprivation of liberty could be challenged before an independent and impartial judge. Individuals and organizations should be able to seek judicial remedies not only for breaches of civil and political rights, but also of economic, social and cultural rights. He concluded that a pattern of interference with the independence and impartiality of the judiciary, attacks on the independence and freedom of the legal profession, and the instrumentalization of prosecutors were early warning signals of even more widespread and systematic violations of human rights in the future, which should trigger preventive action by relevant mechanisms, including the Human Rights Council.

13. Ms. Džumhur stressed the importance of prevention among the "five Ps" of human rights: prevention, promotion, protection, partnership and participation. Accessibility for protection should be ensured, for example through legal aid, supporting victims and witnesses and avoiding revictimization. Since most national human rights institutions could react to a violation but could not offer legal aid, civil society played an important role as partners in that area. She stressed the need, in post-conflict societies, for transitional justice, and to ensure that national human rights institutions had sufficient resources to implement their mandates in post-conflict situations. In addition, education of civil servants, the judiciary, university students and citizens on international human rights law should be stepped up.

14. She noted that recommendations from treaty bodies and special procedures were valuable, however their domestic dissemination by States was limited. As a good example

[2] The Basic Principles on the Independence of the Judiciary, of 1985; the Basic Principles on the Role of Lawyers, of 1990; the Guidelines on the Role of Prosecutors, of 1990; and the Bangalore Principles of Judicial Conduct, of 2002.

[3] A/HRC/30/20.

[4] A/72/523.

[5] See www.norway.no/en/missions/wto-un/norway-/statements/human-rights/HRC/hrc-36th-session-11---29-september-2017/joint-statement-on-councils-prevention-mandate/.

in this context, she referred to the practice, adopted by the OHCHR field presence in Bosnia and Herzegovina, of compiling and periodically publishing treaty body recommendations. Furthermore, the national human rights institutions in the Balkans region had signed a cooperation agreement in 2002 and had subsequently developed joint activities, including on their role in national court cases. Finally, she recommended that States adopt national human rights action plans and develop early warning systems, which should include designing indicators and procedures that could bring human rights matters into focus at an early stage, rather than only reacting to violations.

15. Ms. Chabbeh provided examples from Tunisia, from a journalist's perspective, of when prevention works. She noted that the national union of journalists had drafted a plan to protect journalists from attacks and had been working with OHCHR in Tunis and with the United Nations Educational, Scientific and Cultural Organization (UNESCO) in order to educate law enforcement officials, monitor violations of press freedom, and raise awareness among media professionals, government officials, judges and prosecutors concerning impunity for attacks against journalists.

16. She noted that, since September 2015, the national union of journalists had had a unit for monitoring attacks against journalists in Tunisia, with one coordinator, two monitors and a lawyer documenting attacks against journalists, publishing regular reports and coordinating legal support for journalists. All activities followed a gender-sensitive approach, based on international standards and good practices. Furthermore, the national union of journalists was trying to ensure that the mandate of the national human rights institution in that area was strengthened. The scope of the unit's work had been broadened since 2016 to include issues such as safety at work, access to government documents, the right to protect sources of information, and accountability. She noted that this would help strengthen freedom of expression and hoped that Tunisia would develop a national strategy to assist and protect journalists. The moderator added that the Tunisian national union of journalists was the first worldwide to set up such a monitoring unit, which could be replicated elsewhere in order to prevent human rights violations.

17. Mr. Lynch stressed that attacks against human rights defenders, including journalists, were a warning sign of further human rights violations and abuses. Human rights defenders needed a safe and enabling environment for their work. He welcomed the fact that Burkina Faso, Côte d'Ivoire and Mali were developing protection mechanisms for human rights defenders. Prompt and effective action was needed to deal with attacks on human rights defenders, including by the Human Rights Council and other United Nations human rights mechanisms. In that context, he referred to the principles outlined in a joint statement delivered by Ireland on behalf of 32 States during the Council's session in July 2016.[6]

18. Furthermore, he suggested that the Special Adviser to the Secretary-General on the Responsibility to Protect should brief the Human Rights Council on emerging situations of concern. Since journalists and human rights defenders were sometimes the only source of information on the ground, their cooperation with the Council was vital to enable it to act properly. Acts of reprisal impeded the Council from accessing information and constituted themselves human rights violations. The President of the Council and the Bureau members, as well as the Assistant Secretary-General for Human Rights, had duties to address intimidation and reprisals against those cooperating with the United Nations on human rights. Dealing promptly with attacks against human rights defenders was crucial to avoiding further harm and ensuring accountability.

19. During the ensuing discussion, it was stressed that civil and political rights and economic, social and cultural rights should be addressed equally. It was important to leave no one behind, as demonstrated by the example of rural, illiterate elderly women who were among the most disadvantaged, but who — since they did not pose a risk to stability — tended to be less visible, or less able to bargain with governments, than those who drove

[6] See www.dfa.ie/our-role-policies/international-priorities/human-rights/ireland-and-the-human-rights-council/irelands-statements-hrc-32nd-session/preventingrespondingtoandaddressinghumanrights violations-jointconcludingstatement/.

conflict. At the primary prevention level, participants stressed the need to act before people's rights were affected, for example by conducting human rights impact assessments of tax policies and of economic reform policies.[7] A change in mindset was considered necessary — rethinking how prevention was understood in the human rights context. This was illustrated by the large scope of preventive work undertaken by the Subcommittee on Prevention of Torture that encompassed any form of abuse of people deprived of their liberty which, if unchecked, could grow into torture or other cruel, inhuman or degrading treatment or punishment.

20. Participants noted that national human rights institutions were uniquely placed to help implement the State's obligations in ways that avoided human rights violations, and their participation in the Human Rights Council, treaty bodies and other processes was considered vital to connect the national and international levels. However, participants noted that even if the relevant stakeholders had all the required information, there was often a bottleneck that thwarted early action, due to a lack of political will or deadlock in the Security Council. Furthermore, concerns were raised that human rights defenders might be so afraid of reprisals that they did not submit any complaints to national or international mechanisms. The most recent report of the Secretary-General on reprisals (A/HRC/36/31) had identified patterns that seemed to reflect a strategy by some States of preventing individuals from providing information or otherwise cooperating with the United Nations on human rights. To reduce the risk of reprisals, it was suggested to introduce a tracking system for human rights defenders after they returned to their home country, and if that person went missing, to ask family members or friends and subsequently inquire with the Government concerned via the Human Rights Council.

B. Human rights education

21. The Chief of the Methodology, Education and Training Section of OHCHR moderated the session on human rights education. The panellists were Gift Kgomosotho, of the South African Human Rights Commission; Nika Kvaratskhelia, Head of the Department of Prevention and Monitoring at the Office of the Public Defender of Georgia; and Caroline Dayer, expert in the prevention of violence and discrimination for the Canton of Geneva.

22. Mr. Kgomosotho provided examples of human rights education and the role of the South African Human Rights Commission. Its mandate as an independent State institution included monitoring human rights inside the country, addressing violations, raising awareness, providing training, and working towards a culture of human rights. He stressed that enjoyment of human rights and prevention of abuses depended on the level of awareness, and thus education was crucial to empowerment and access to rights. According to a survey undertaken in 2014 by the country's Foundation for Human Rights, only 10 per cent of the population had read the Bill of Rights contained in the Constitution of South Africa, or had had it read to them. In that context, the Commission's Advocacy Unit organized workshops, developed curricula together with UNESCO, lobbied departments, held school activities on human rights day and trained police and public health-care workers. Following a recent racist advertisement for clothing, the Commission had started working with the manufacturer concerned, getting human rights messages printed on clothing and receipts.

23. He also highlighted the Commission's role in co-organizing the national schools moot court competition. All secondary schools in South Africa were invited to enter teams, which submitted essays for the applicant and the respondent on the basis of a hypothetical case.[8] Arguing both sides was an important skill in human rights education, as it allowed students to develop their research, writing and advocacy skills. The competition was co-organized with the Department of Justice and Constitutional Development, the Department of Basic Education, the University of Pretoria, the Foundation for Human Rights and the

[7] See A/HRC/37/54.

[8] See www.up.ac.za/national-schools-moot-court-competitions-nsmcc.

Constitutional Court. Starting from 2019, the competition would also be open to grade 9 learners, and it had already been used in Ghana and Mozambique. He noted that such moot court competitions were a primary form of prevention, improving youth human rights literacy and targeting future decision makers.

24. Mr. Kvaratskhelia shared his experiences in Georgia on human rights education in the context of torture prevention. He noted that, pursuant to article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, States parties must take effective legislative, administrative, judicial or other measures to prevent acts of torture. Broad factors, including the rule of law, the level of poverty, corruption and exclusion, could have an impact on how effective States' measures were. Inadequate human rights education was at the root of human rights violations, including torture. The Public Defender of Georgia regarded awareness-raising as part of cultural change, and therefore had established a human rights academy in 2015. Since then, the Office of the Public Defender had provided 56 training sessions, both to rights holders and to duty bearers, with a total of 1,200 participants. Furthermore, professors delivered lectures, and thus the academy served as a bridge between theory and practice.

25. He stressed that human rights education should be provided by the State. In order to prevent torture in places of deprivation of liberty, training for penitentiary staff and prisoners was key. He noted that prisoners who had participated in training sessions had started citing the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)[9] in their complaints. The Office of the Public Defender of Georgia — the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment — had drafted 74 special reports and had issued 1,800 public statements in the media. The Office of the Public Defender had also published monthly bulletins, conducted social media campaigns, intervened as amicus curiae in legal proceedings, and hosted international conferences and internships for university students. He highlighted the power of education as a safe and durable solution to prevent human rights violations.

26. Ms. Dayer noted that preventing violence and discrimination was relevant for pupils and adults, for example in the context of cyberharassment and harmful stereotypes in schools. To prevent violence and discrimination, it was necessary to take action ahead of time and promote human rights and equality. Pedagogical tools may help in addressing insults and harassment, by providing human rights-based guidance, however those tools also needed to be implemented in a non-discriminatory manner by staff. Teachers played an important role in reacting to messages of inequality or violence. The first step was intervention, because the situation tended to worsen when adults did not intervene. As a second step, there should be prevention through human rights education, and frameworks to prevent human rights abuses in the future.

27. She recommended that interventions to prevent violence and discrimination at schools should address the individual, collective and institutional/political levels. Action at the individual level included working on a professional and consistent approach by the adults. At the collective level, adults and students needed a network and contact persons. At the institutional/political level, students should be able to draw up their own projects, because youth participation was very important. She noted that many specific actions could be carried out, however they needed to be part of a broader framework and to be rooted in the needs of each institution. She stressed that equality activities organized for international days, for example against racism and homophobia, were important tools in human rights education.

28. During the discussion, participants exchanged further examples of training for children and for rural workers, including through youth clubs and video clips. Moreover, a children's parliament could make contributions to the national parliament on issues affecting children. The need to adapt the tools and methodology, based on the age of the child, and to tailor the communication to the addressee, was underscored. Furthermore, tools for impact assessments were required in order to measure the effectiveness and

[9] See General Assembly resolution 70/175, annex.

efficiency of educational activities. Finally, participants recommended intersectoral collaboration between the government, the judiciary, the parliament, the national human rights institution, civil society and academia, because all parts of society had a specific and interconnected role to play in human rights education.

C. Preventing human rights abuses by private actors

29. The third session, which focused on preventing human rights abuses by private actors, was moderated by a human rights officer from the Women's Human Rights and Gender Section of OHCHR. The panellists were Zainah Anwar, Director of the global civil society movement Musawah; Matthias Thorns, Director of Stakeholder Engagement at the International Organization of Employers; and Lene Wendland, Chief of the Human Rights and Economic and Social Issues Section of OHCHR.

30. Ms. Anwar focused her presentation on the work of women's rights groups in countries where private actors and State authorities used religion to justify human rights violations and abuses. She noted that the Convention on the Elimination of All Forms of Discrimination against Women was the human rights treaty that had attracted the most reservations, with some 60 per cent based on religion, notably on its article 16 regarding marriage and family relations. Therefore women's demands were thwarted in many States, and she noted that the work of women's rights groups was demonized as being against Islam or morality. There was limited space for debate and change, with little reflection of women's rights in decision-making processes. She noted that if it was only religious leaders who were seen to have the right to talk about Islam, then women would fear speaking out; many secular human rights activists had also disengaged with religious issues. However, non-governmental organizations such as Sisters in Islam (at the national level) and Musawah (at the international level) were working to build knowledge and courage to deal with a misogynistic reading of religion. Civil society efforts, for example writing letters to newspapers, submitting memorandums for law reform, and challenging in court a book ban and fatwa against Sisters in Islam, aimed to build a rights-based democratic culture.

31. She asserted that religion could be a source of empowerment and liberation if ideological non-State actors ceased silencing any demands for equality. Musawah had undertaken capacity-building and engaged in international advocacy, including by submitting to the Committee on the Elimination of Discrimination against Women thematic reports and country-specific statements on reservations that justified the repression of women. Furthermore, she noted that the Beirut Declaration and its 18 commitments on "Faith for Rights" was important in order to turn the principles into action on the ground, for example by refining curriculums, teaching materials and textbooks wherever some religious interpretations, or the way they were presented, may give rise to the perception of condoning violence or discrimination (twelfth commitment).[10] She stressed the importance of devising a human rights-based counter-narrative in order to build knowledge and prevent violent extremism.

32. Mr. Thorns addressed the prevention of abuses by companies, in line with the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex). The related due diligence process served in better understanding whether a company had potential or actual human rights issues. In practice, however, there may be challenges in view of the high number of suppliers and intermediaries of transnational companies. Progress had been made in the past decade with the increasing use of due diligence and with the endorsement of the Guiding Principles in 2011. Due diligence had also been introduced in French law,[11] the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the OECD Guidelines for Multinational Enterprises.

33. Companies were expected to be transparent regarding the findings on their human rights practices, however he emphasized that companies faced criticism when they declared problems in their supply chain and could consequently be removed from the United Nations

[10] See www.ohchr.org/Documents/Press/Faith4Rights.pdf.

[11] See www.assemblee-nationale.fr/14/ta/ta0924.asp.

Global Compact. He argued that companies should be supported when they were transparent in order to encourage them to address human rights issues and become agents for change. People who had been affected needed a remedy, and governments were the primary duty bearers to ensure that companies did not violate human rights. Furthermore, national human rights institutions could play a role in mediating disputes where the legal system was not trusted and companies needed to engage with civil society. He provided the example of successful support by trade unions to overcome initial resistance in a local community against the training of women as forklift drivers.

34. Ms. Wendland noted that the Guiding Principles on Business and Human Rights contained three pillars: (a) the State duty to protect human rights through policies, regulation and adjudication; (b) the corporate responsibility to respect human rights by acting with due diligence to avoid infringement and addressing adverse human rights impacts; and (c) access to effective remedy for victims, through judicial, administrative, legislative or other appropriate means. She compared those three pillars to a three-legged chair, where all the pillars needed to function, because otherwise prevention would not work and abuses would follow.

35. She noted that, even where institutions operated optimally, disputes over adverse human rights impacts from company activities were likely to occur and victims must be able to seek redress. Access to remedy would have a preventive effect, because companies would know about their risks and where they needed to improve over time. The OHCHR Accountability and Remedy Project was aimed at enhancing the effectiveness of remedy mechanisms. Its first phase was focused on judicial mechanisms, with guidance for States (see A/HRC/32/19), and its second phase on State-based non-judicial mechanisms (see Human Rights Council resolution 32/10). The third phase would be focused on non-State-based grievance mechanisms.

36. The ensuing discussion addressed the question of the capacity of States to live up to their duty to protect and to ensure that companies respected human rights. At the technical level, and in terms of drafting corporate law, there seemed to be a capacity-building challenge. With regard to the issue of women's rights in various religions, participants stressed the importance of working with religious scholars, understanding how knowledge was produced in a social context, and recognizing that it could be changed because it was subject to human interpretation.

D. Planning and monitoring tools for prevention, including human rights impact assessments

37. The session on planning and monitoring tools for prevention, including human rights impact assessments, was moderated by a human rights officer of the Human Rights and Economic and Social Issues Section and by the Chief of the Rule of Law and Democracy Section of OHCHR. The panellists were Manuela Teixeira Pinto, Deputy Permanent Representative of Portugal to the United Nations Office and other international organizations in Geneva; Nicolas Fasel, adviser on human rights measurement at OHCHR; Olivier De Schutter, Professor at the Catholic University of Louvain and member of the Committee on Economic, Social and Cultural Rights; Jennifer Philpot-Nissen, programme executive for human rights and disarmament at the World Council of Churches; and Rasha Abdul Rahim, adviser on arms control, security trade and human rights at Amnesty International.

38. At the outset, Ms. Teixeira Pinto stressed that prevention was a task for the whole United Nations system and for regional and local mechanisms. She noted a growing interest in the Human Rights Council operationalizing its mandate concerning prevention, and said that the 2030 Agenda also provided an opportunity to interconnect human rights with sustainable development. The universal periodic review was a unique tool of the Human Rights Council, as it allowed national policies to be improved, human rights to be mainstreamed and domestic resilience to be built.

39. She also highlighted the important role of national mechanisms for reporting and follow-up, which engaged with international and regional human rights mechanisms and

coordinated national implementation of treaty obligations and recommendations. For example, since Portugal had created a light structure based on a network of focal points, in 2010, there were no reports to the treaty bodies that were currently outstanding. In Geneva, some 30 States were part of an informal groups of friends on national mechanisms for reporting and follow-up. Those mechanisms could contain a broad range of actors from the related ministries, national human rights institutions, United Nations country teams and OHCHR field presences. Paraguay also had a mechanism to link planning for the implementation of the Sustainable Development Goals with human rights. She noted that Portugal used specific indicators to track implementation of the right to education, violence against women, the right to health and the right to liberty and security of the person.

40. Mr. Fasel underscored the need for appropriate indicators, and data collection and dissemination, for the prevention of human rights violations and abuses. OHCHR had published a guide for measurement and implementation,[12] drawing on internationally agreed standards and encouraging adequate participatory processes for developing contextually relevant indicators. In the context of the Sustainable Development Goals, the indicators developed measured the situation at the level of the population groups concerned, or related to the process and structural indicators. He noted that for traditional data-collection surveys, national statistical offices often did not have access to the most deprived persons, including homeless persons, undocumented migrants, and lesbian, gay, bisexual, transgender or intersex persons. National human rights institutions and civil society organizations had a key role in providing links to those groups.

41. He stressed the importance of using already available data to reveal and measure discrimination and inequalities. National human rights institutions were not necessarily aware of existing data collected by national statistical offices, and vice versa. In its resolution 71/313, the General Assembly had recommended that national statistical systems explore ways to integrate new data sources into their systems to satisfy new data needs of the 2030 Agenda. A lack of robust information could reveal a lack of prevention efforts and could be a human rights indicator in itself. For example, on the eve of the revolution in Tunisia, there were still reports, in 2010, about progress in economic and social terms, whereas human rights mechanisms and civil society voices were showing a different picture, of exclusion, discrimination, censorship and lack of participation. OHCHR had issued guidance on a human rights-based approach to data,[13] focusing on issues of data disaggregation, to leave no one behind in the implementation of the 2030 Agenda and beyond.

42. Mr. De Schutter pointed to several tools, such as the guiding principles on human rights impact assessments of trade and investment agreements (A/HRC/19/59/Add.5), the guiding principles on foreign debt and human rights (A/HRC/20/23) and the guiding principles on extreme poverty and human rights (A/HRC/21/39). He stressed that human rights impact assessments should not be confused with poverty reduction impact assessments; the former were based on the normative framework of human rights law, followed a participatory methodology and did not look just at macroeconomic indicators but also at the impacts on specific groups defined, for example, by gender, ethnicity and age. Human rights impact assessments should be an ongoing process, because not all human rights impacts of certain policies could be fully anticipated. The conclusion of trade and investment treaties should be preceded by human rights impact assessments, and the treaties' impacts following implementation should be regularly assessed. The credibility and effectiveness of human rights impact assessments depended on independence, transparency, inclusive participation, expertise and funding, as well as on status which allowed them to have an impact on how trade programmes were implemented.

43. Mr. De Schutter stressed that human rights impact assessments should be scoped properly, so that it was clear which issues needed analysis. When positive impacts were traded off against negative impacts, such trade-offs should be discussed with all stakeholders and must not result in discriminatory outcomes or a deprivation of the

[12] See www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf.

[13] See www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

essential content of human rights.[14] Furthermore, any trade-off leading to a retrogressive level of protection of a human right should be treated as highly suspect, and instead solutions should be found where losses and gains were shared across groups. He stressed that international financial institutions also had human rights obligations and should perform human rights impact assessments, for example with regard to austerity measures. Economic, social and cultural rights should be seen as a tool for sound macroeconomic policies. He noted that economic growth was not an end in itself, and that the goal should be full human development grounded on a human rights-based approach.

44. Ms. Abdul Rahim referred to the development of the Arms Trade Treaty[15] as a good example of how civil society-driven initiatives could result in the creation of a legally binding instrument aimed at preventing human rights violations related to conventional arms, munitions, parts and components. Its article 7 required States parties not to authorize an arms export where there was an overriding risk that, among other things, the conventional arms or items could be used to commit or facilitate a serious violation of human rights law, or that the conventional arms or items would contribute to or undermine international peace and security. Amnesty International had developed a three-step methodology with elements to consider when forming a judgment as to when there was an overriding risk that such violations could occur.[16]

45. She noted that States parties to the Arms Trade Treaty must consider whether there were measures that could be undertaken to mitigate the risk, among other things, of the commission or facilitation of a serious violation of international human rights law. If the exporting State party determined that there was an overriding risk of the negative consequences listed in article 7 (1), it must not authorize the export. The analysis of "overriding risk" should be carried out by competent national authorities, on the basis of an objective and non-discriminatory consideration of all available evidence of the past and present circumstances in the recipient country regarding the proposed end use and end user. In terms of ratification and implementation of the Arms Trade Treaty, she stressed that the universal periodic review could play an important role in encouraging an increase in the number of States parties, in exchanging good practices and in collectively reassessing progress.

46. Ms. Philpot-Nissen argued that States should use the universal periodic review to call for the signature, ratification and implementation of the Treaty on the Prohibition of Nuclear Weapons[17] in States under review. Once it reached ratification by 50 States, the treaty would prohibit a range of nuclear weapon-related activities. She noted that the use of nuclear weapons had catastrophic humanitarian consequences and required a human rights impact assessment. The health impacts on the Japanese population after nuclear weapons were used during the Second World War had been well documented throughout the lives of survivors.

47. She noted that ionizing radiation from nuclear weapons caused particular harm to certain groups of people, including women, children, and indigenous peoples who relied heavily on an unaffected environment. The Treaty on the Prohibition of Nuclear Weapons called for age-sensitive and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support. The International Campaign to Abolish Nuclear Weapons, a global civil society coalition, had received the Nobel Peace Prize in 2017 for its groundbreaking efforts to achieve a treaty-based prohibition of such weapons. Furthermore, she noted that the Human Rights Committee, in its draft general comment No. 36 on the right to life, referred to necessary measures by States to stop the proliferation of nuclear weapons.

[14] See A/HRC/19/59/Add.5, appendix, paras. 6.3–6.5.

[15] See General Assembly resolution 67/234 B. See also A/HRC/35/8, www.icrc.org/en/publication/4252-understanding-arms-trade-treaty-humanitarian-perspective and wilpf.org/wilpf_publications/gender-based-violence-and-the-arms-trade-treaty/.

[16] See www.amnesty.org/en/documents/document/?indexNumber=act30%2F0003%2F2015.

[17] A/CONF.229/2017/8.

48. During the discussion, participants noted that in some countries victims felt unable to report human rights violations, and thus the absence of complaints could be an early warning sign. In the context of Sustainable Development Goal 16, the proportion of crimes reported and the rate of sentencing should be examined both with numerical indicators and qualitative indicators. Furthermore, a human rights-based dialogue was needed between those who collected the data and those who used it.

E. Prevention in practice at the local and regional levels

49. The Chief of the Asia-Pacific Section of OHCHR moderated the session focusing on prevention in practice at the local and regional levels. The panellists were Raju Chapagai, head of the Juri Nepal civil society organization in Kathmandu; Budi Tjahjono, Asia-Pacific programme coordinator at Franciscans International; and Yves de Matteis, President of the Human Rights Commission of the Geneva Parliament and project manager for the bureau for the integration of foreigners of the State of Geneva.

50. Mr. Chapagai shared his experiences of using strategic litigation to combat impunity in Nepal. Civil society organizations and victims' groups had used strategic litigation to challenge laws, policies and attitudes of the authorities favouring impunity. He referred to several examples of litigation — including to hold the Government accountable for developing a system of vetting, to outlaw amnesties for serious crimes, and to prevent the arbitrary withdrawal of criminal prosecutions. With regard to the latter, the court had established a list of exempted cases not permissible for withdrawal and the Government had subsequently revised its policy guidelines and procedures. Furthermore, strategic litigation had yielded court decisions that had secured the criminalization of serious violations, including enforced disappearance and torture.

51. He noted a key message emerging from recent domestic jurisprudence, namely that the establishment of transitional justice mechanisms must not displace the role of the criminal justice system, but that they should complement each other. Civil society organizations had initiated and supported several habeas corpus petitions to protect people from arbitrary detention and enforced disappearance. Furthermore, their regular visits to places of detention and their monitoring at the grass-roots level had reduced incidents of torture and other human rights violations.

52. Mr. Tjahjono provided an example of mining operations and their negative impact on the rights of indigenous peoples. He stated that an open pit copper and gold mining project had been accompanied by threats, arrests, killings, displacement, lack of consultations, and failure to secure free, prior and informed consent. The project had been symbolic for advocacy in terms of the importance of dialogue between affected communities and local government. Human rights impact assessments had been undertaken by academics, who had found that the project would have an adverse impact on the indigenous peoples concerned.

53. He emphasized the importance of linking local human rights advocacy with the international level, such as treaty bodies, the universal periodic review and special procedures. With regard to the latter, he referred to the Special Rapporteur on the rights of indigenous peoples and the Working Group on the issue of human rights and transnational corporations and other business enterprises. He noted that local populations sometimes felt left behind, and that advocacy tactics had not been inclusive enough. In addition, there was an implementation gap of international norms and standards, as oftentimes national governments did not abide by the requirement of free, prior and informed consent by indigenous peoples, in order to take advantage of lucrative mining projects.

54. From the local level, Mr. de Matteis relayed his experience as President of the Human Rights Commission of the Geneva Parliament. The Commission could choose to address virtually any subject without being specifically summoned to do so by the Geneva Parliament. The Commission had, for example, addressed prejudice and discrimination in schools, by commissioning a related study based on interviews with teachers, adult professionals, students and pupils. The focus had initially only been on preventing racism and religious intolerance, however the commissioners had decided to also include

discrimination based on gender, sexual orientation and gender identity and expression, and on disability.

55. Mr. de Matteis stressed that prejudices and discrimination had to be approached in a holistic manner in order to show that no form of discrimination was more acceptable than another, thereby also creating a new form of solidarity between all students and pupils regardless of their differences. At the same time, he highlighted the need to look into the details and examine in what way various prejudices and forms of discrimination may have their own characteristics and mechanisms. He noted that teachers could also be the object of prejudice and discrimination, including sexism and homophobia.

56. In the discussion, it was suggested to see children not only as recipients of human rights education but also as participants and stakeholders. Very few children attended sessions of the Human Rights Council or treaty bodies, and thus they did not influence the discourse themselves. However, there had been positive examples of children engaging with the universal periodic review and the Committee on the Rights of the Child, including in pre-sessional lobbying. Furthermore, political change often started at the grass-roots level, which may then trickle up to the national and international levels. Participants also stressed the importance of human rights cities, which explicitly referred to the Universal Declaration of Human Rights and other human rights standards in their municipal policies.

F. Contribution of the United Nations to prevention

57. The Chief of the Prevention and Sustaining Peace Section of OHCHR in New York moderated the final session, which focused on the contribution of the United Nations to prevention. The panellists were Pablo de Greiff, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Malcolm Evans, Chair of the Subcommittee on Prevention of Torture; and Diego Zorrilla, Resident Coordinator and United Nations Development Programme Resident Representative in Tunisia.

58. Mr. de Greiff referred to his recent reports, in which he had presented an extended argument in favour of a framework approach to prevention.[18] He emphasized the important contributions of civil society, which had led, for example, to the abolition of slavery and to desegregation in many parts of the world, and to the expansion of voting rights and successful democratizing transitions. He noted that the work on prevention tended to concentrate on early warning and crisis prevention, and was focused on official State institutions, however he suggested that the prevention agenda should be enlarged to include civil society and interventions in the cultural and individual spheres.

59. In his opinion, the main challenges did not relate to a lack of knowledge but to the low degree of commitment and investment, late interventions and the fragmentation of expertise. Prevention strategies should also include general processes of institutionalization or constitutionalization (at the macro level), effective civilian oversight over security forces (at the meso level) and community policing strategies (at the micro level). He stressed that the United Nations system had a privileged position in articulating a holistic framework of prevention with a broad and upstream approach. He noted that the United Nations had been part of the problem due to its focus on early warning and turf wars between different agencies. He also suggested that the United Nations should improve how it worked with civil society, and should broaden its collaboration beyond non-governmental organizations. The special procedures could also be used more effectively to strengthen the contribution of civil society to prevention work. He recommended fostering networks of civil society organizations, which could facilitate the exchange of knowledge and diminish risks for human rights defenders.

60. Mr. Evans highlighted the experience of practical prevention in the treaty body system through the Subcommittee on Prevention of Torture. Since 2007, the Subcommittee had conducted 65 missions to States parties, visited over 1,000 places of detention and spoken to more than 10,000 detainees. Every State party was also obliged to have a national

[18] A/HRC/30/42, A/70/438, A/72/523 and A/HRC/37/65.

preventive mechanism. Preventive visiting was about understanding the situation, and seeing what could be suggested to address problems or to make it less likely that human rights violations would take place. Thus the Subcommittee worked at the primary, secondary, tertiary and primordial levels.

61. He noted that the process was confidential, so that the Subcommittee could work with the State to improve the situation through practical and implementable recommendations. In one place of detention, for example, prisoners had not been let out of their cells for months because the front gates had fallen off, and therefore the Subcommittee had recommended fixing the front gates so that detainees could again exercise in the prison compound. Further practical and context-specific recommendations included paying prison officials properly and teaching them to read and write so that they could keep effective records. Finally, he stressed the importance of working with people who understood the local situation and empowering people at the national level to make a difference for human rights.

62. Mr. Zorrilla focused on the role of United Nations country teams and resident coordinators in preventing conflict and human rights abuses. While there seemed to be a tension between development and human rights, he argued that that perception should be overcome and we should rather focus on a human rights-based approach. United Nations country teams monitored the human rights situation, interacted with treaty bodies and special procedures, and reported on political developments that could pose a threat to peace and human rights.

63. Mr. Zorrilla noted that the United Nations country team in Tunisia was in a privileged position to articulate a preventive framework with good and broad cooperation. In 2012, the United Nations had provided technical support to the different commissions drafting the constitution and had helped civil society play a role in the legislative process. The adoption in July 2017 of a law on violence against women had been preceded by the provision of United Nations support to the Parliament since 2014, which had showed gaps between national law and the Convention on the Elimination of All Forms of Discrimination against Women. The United Nations had also supported the development of a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Further areas of focus included human rights education and planning and monitoring tools, including in relation to the Sustainable Development Goals. Finally, he noted that the Secretary-General's Human Rights Up Front initiative enabled the United Nations system to get together when there were situations of concern in a country; a regional monthly review had been activated in January 2018 in reaction to protests and to lack of freedom for all protests in Tunisia, which had been triggered by concerns about economic, social and cultural rights.

IV. Conclusions

64. **Participants in the expert workshop echoed the Secretary-General's statement that the Universal Declaration of Human Rights, and the international treaties deriving from it, constituted the best prevention tool, since they identified many of the root causes of conflict, but equally, provided real-world solutions.**[19]

65. **Prevention can encompass four types of measures: primary prevention addresses the root causes; secondary prevention focuses on a rapid response to the earliest signs; tertiary prevention aims to minimize harm once the problem is in full flight; and primordial prevention focuses on minimizing future threats and maximizing conditions that are antithetical to human rights erosion over the longer term.**

[19] See www.un.org/sg/en/content/sg/speeches/2017-02-27/secretary-generals-human-rights-council-remarks.

66. **Prevention requires building resilient societies, and implementation of international human rights law at the domestic level. The focus of prevention should not be limited to civil and political rights, since inequalities and violations of economic, social and cultural rights are at the root of instability and violence around the world. The primary responsibility is on States to strengthen rule of law institutions and provide effective frameworks for all prevention efforts, including those of civil society actors, academics and national human rights institutions. With a view to preventing human rights abuses, participants highlighted the due diligence responsibility of private companies.**

67. **A society well equipped to overcome crises is one where people know and can claim their rights, for example with the help of legal aid. Participants suggested more focus on and investment in human rights education accessible to all, including for children, teachers, law enforcement officers and prisoners. Democratic societies also imply the possibility for a free media to ensure access to information by all. Civil society and national human rights institutions must be able to fulfil their monitoring, reporting and advocacy functions. However, as cooperation with international human rights mechanisms entails risks in practice, tackling reprisals against human rights defenders was considered key.**

68. **Participants highlighted the important contribution of the United Nations to prevention, including through its country teams and human rights mechanisms. Finally, they emphasized the usefulness of several tools for effective prevention, including indicators in the context of the 2030 Agenda for Sustainable Development, and human rights impact assessments of trade and investment agreements and of arms transfers.**